

### III. DRAWING AMENDMENTS

In the drawing, please replace figure 7 with the following revised figure 7.

## **V. REMARKS**

Applicant submits the following remarks in response to the Final Rejection mailed February 23, 2005 and In addition, Applicant responds to the Examiner's statements in the comments appended to the Advisory action.

### **Status of the Claims**

Claims 18,19,21,22,26,27,29,31-34,36,38-41,43,45,46, are amended and claims 47 and 48 are added. Claims 18-48 are presented for further consideration. The above amendments were previously submitted in the Amendment After Final and are resubmitted herein with a request for continued examination. These amendments were entered only for the purposes of appeal.

### **Summary of the Office Action**

Claims 18,20,21,23,25,26,28-30,32,33,35-37,39,40,42-44, and 46 stand rejected under 35USC102(e) on the basis of the cited reference "3GTS 25.323 of 3GPP" (3GPP'323). Claims 22, 34, and 41 stand rejected under 35USC103(a) based on the reference 3GPP'323 in view of the newly cited reference Grohn, U.S. Patent No. 6,405,337. Claims 24,31,38, and 45 stand rejected under 35USC103(a) based on the reference 3GPP'323 in view of the teaching of Widegren U.S. Patent No. 6,374,112. The Examiner is respectfully requested to reconsider his rejection in view of the above amendments and the following remarks. Claims 19 and 27 are indicated to contain allowable subject matter if written in dependent form.

### **Discussion of the Cited Reference**

The Examiner continues to cite, 3GPP TS 25.323 V.3.0.0 (1999-12) "Packet Data Convergence Protocol (PDCP) Specification" (3GPP) as

the primary reference in support of the rejections based on anticipation and obviousness.

3GPP TS 25.323 V.3.0.0 (1999-12) "Packet Data Convergence Protocol (PDCP) Specification", referred to as 3GPP, discloses acknowledged and unacknowledged data packet transmission, wherein the transmitting entity (either the UE or RNC) attaches a data packet number, defined by means of a counter, to each data packet to be transmitted. This is disclosed e.g. in chapter 5.3., 3<sup>rd</sup> paragraph.

The present invention discloses acknowledged and unacknowledged data packet transmission, wherein the transmitting entity (either the UE or RNC) attaches a data packet number, defined by means of a counter, only to certain data packets to be transmitted. This provides the advantage that the overhead load caused by the additional byte of the data packet numbers is significantly decreased.

In the present invention, the driving factor that determines the data packets to which the data packet number should be attached is only in response to the occurrence of an event defined in the claims as performance of a predetermined process of the telecommunication system. The predetermined processes are such that they inevitably cause or may cause missing or erroneous data packets, like a discard of data packet or a handover. The convergence protocol packet number is attached, to the data packet being sent, only when such an interruption takes place. This allows the receiver to synchronise its counter with the transmitter's counter and the data packet transmission can be continued with new data packets. Accordingly, the present invention guarantees a fast resynchronisation of the system after a possible error situation.

3GPP does not address the problem in which all data packets are not transmitted to the receiver, regardless of several attempts of retransmission and the resulting problem of how to continue the transmission of the following data packets in a synchronous way. 3GPP teaches to attach a data packet number to each data packet to be transmitted, regardless of transmission problems. This does not solve the failure of synchronization problem caused by missing or erroneous data packets, and moreover, it results in a wasteful use of resources.

Applicant respectfully requests that the Examiner indicate the passages from 3GPP, wherein it is stated that the convergence protocol packet number defined by the transmitter's counter is added to the convergence protocol packet to be sent in response to performance of a predetermined process of the telecommunication system.

The Examiner continues to refer to PIDs as convergence protocol packet numbers. In 3GPP, the convergence protocol packet numbers are clearly referred to as "PDCP Sequence Numbers" (see e.g. chap. 5.3.). PIDs are not related to convergence protocol packet numbers, but they relate to defining a correct header compression scheme for the data packets, wherein the value of a PID field assigned according to the rules defined in chap. 5.1.1.

#### **The Issue of Anticipation**

The Examiner is reminded that the anticipation analysis requires a positive answer to the question of whether the system of the reference 3GPP would infringe the claims of this application if it were later.

Independent claim 18 of this application states as follows:

"adding the transmit convergence protocol packet number defined by the transmitting unit's counter to the convergence protocol packet to be sent in response to performance of a predetermined process of the telecommunications system; and

updating the value of the receiving unit's counter to correspond to said transmit data packet number."

Since the system of the cited reference cannot perform this step, there can be no infringement of the subject claims. Therefore, the reference 3GPP does not support the rejection based on anticipation with respect to claim 18. Equivalent language is contained in all of the independent claims and therefore this applies to all of the claims of this application.

#### **The Issue of Obviousness**

It is well settled that in order to establish a prima facie case for obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, without reference to the disclosure of this application.

Applicant submits that the above described deficiencies of the primary reference 3GPP are not remedied by the proposed combination with the teaching of the references Grohn or Widegren. The combined references do not therefore support a prima-facie case of obviousness. The modification of the teachings of Grohn or Widegren, in order to obtain the invention, as described in the claims submitted herein, would not have been obvious to one skilled in the art.

Further with respect to the obviousness rejections, it is submitted that 3GPP reference is silent about a situation, wherein all data packets cannot be transmitted to the receiver regardless of several attempts of retransmission and, at the same

time, the transmission of the following data packets should be continued in a synchronous way. 3GPP does not address the problem, and accordingly it does not teach a skilled man to solve it. On the contrary, the reference 3GPP teaches to attach a data packet number to each data packet to be transmitted, which results in a wasteful use of resources.

In the examiner's comments in the Advisory Action of June 6, 2005, the examiner seems to dismiss the key limitation in the claims of this application, namely, that the conversion protocol packet number is attached, "in response to performance of a predetermined process of the telecommunications system", by stating the following:

**"3GPP clearly teaches the pre-determining process of numbering in BS and MS. In fact, every BS and MS have a processor that performs predetermined process"**

Applicant has stated that the process of numbering, taught in 3GPP, generates at least part of the problem to which the solution of this application is addressed because it is applied even when synchronization is compromised by transmission aberrations. The method and system of this application is distinguished over the cited reference 3GPP in that it facilitates resynchronization. There is nothing in any of the cited references either individually or in combination that teaches this solution.

For all of the above reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should

any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$120.00 is enclosed for a one month extension of time. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
\_\_\_\_\_  
Geza C. Ziegler, Jr.

Reg. No. 44,004

23 JUNE 2005

Date

Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06824  
(203) 259-1800  
Customer No.: 2512

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted by facsimile to 703-872-9306 the date indicated below, addressed to the Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date:

6/23/05

Signature:

  
\_\_\_\_\_  
Person Making Deposit